

REMARKS

Claim 13 stands rejected under § 102 as being anticipated by Clark. The examiner apparently gave a broader interpretation of claim 13 that was intended by the claim and the disclosure. The claim has been amended in response, and the rejection is traversed with respect to the amended claim.

Claim 13 concerns “a family of a discrete set of sized particles and not a continuous size distribution.” See, e.g., page 3, lines 23-25. Clark mentions in a number of places, for example at column 8, line 20, column 8, line 40, column 9, line 60 and column 11, line 34 that Clark includes nanoparticles smaller than about 10 nm. The background of Clark describes the work of others and discusses nanoparticles ranging from 1 to 100 nm. None of the references in Clark discloses a discrete set of specific sized particles that are not a distribution, and that is limited to the sizes as defined in the family of claim 13.

It appears that the examiner has interpreted claim 13 as originally written to permit the inclusion of substantial quantities of other particles than those defined in the family. Claim 13 has been amended so that the family is “substantially consisting of one or a combination of discrete sizes,” namely the five specific sized particles identified in the claim. Clark merely discloses distributions of particles including particles of larger sizes than those disclosed in the family. As Clark states at column 2, lines 53, et seq., “Many of the processes require impractical amounts of feed gases and impractical process times to produce any appreciable amount of product; others produce particles that can be collected only as a dense film and that can thus not be accessed individually.” Clark therefore establishes the distribution inherent to the processes discussed in the


background of Clark's patent. Clark also, in the column 8 excerpts discussed above, beginning at column 8, line 12 only discusses particles of "less than about 1 μm " in size. This indicates that Clark's process includes particles larger than the largest 3.7 nm size defined in the family of claim 13. It also indicates that Clark fails to produce or disclose a family substantially consisting of one or a mixture of the particular sizes defined in claim 13.

For all of the above reasons, applicants request reconsideration and allowance of the application. Should the examiner believe that an interview would expedite prosecution, the examiner is invited to contact the undersigned attorney at the below-listed number.

Respectfully submitted,

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